

# Vinson&Elkins

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Michael Brennan  
Office of Energy Diplomacy  
Energy Resources Bureau  
U.S. Department of State  
2201 C St. NW, Suite 4843  
Washington, D.C. 20520

Dear Mr. Brennan:

Plains Pipeline, L.P. ("Plains") appreciates the opportunity to meet with the Department of State ("Department") on Thursday, November 7, 2013, to discuss Plains' Presidential Permit and the intra-company transfer of the Poplar Pipeline.

Based on discussions at the meeting, Plains is supplementing its application for a Presidential Permit reflecting a transfer of the border-crossing facilities pursuant to Public Notice 5092 ("Name Change Permit").<sup>1</sup> The supplement reiterates Plains' request set forth in the application dated February 27, 2013,<sup>2</sup> and contains additional information requested by the Department related to ownership, work undertaken on the transferred pipeline facilities, and plans for their use. Also, as discussed with the Department, Plains hereby submits a statement under oath that the transferred facilities and the operation and maintenance thereof authorized by this permit will remain substantially the same as before the transfer pending issuance to Plains of a Name Change Permit pursuant to Public Notice 5092.

Finally, as discussed at the November 7 meeting, Plains is providing herewith documents and other information requested by the Department in the attachment accompanying the Department's October 21, 2013, letter to Plains. As discussed in our meeting, Plains is providing the requested information notwithstanding its position that the Department lacks authority over the interconnection of the Bakken North pipeline. Responsive material is being provided in two volumes, one of which

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<sup>1</sup> Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation, 70 Fed. Reg. 30990 (May 31, 2005) ("Public Notice 5092").

<sup>2</sup> The application dated February 27, 2013, was transmitted to the Department on August 9, 2013, together with an August 6, 2013, Fact Sheet containing Plains' responses to questions received from the Department during a March 2013 conference call. As explained in the August 9 submission and the November 7 meeting, Plains' initial application was dated February 27, 2013, in anticipation of submission following the March 2013 conference call. Based upon questions from the Department during the March conference call, Plains waited to submit the initial Name Change Permit application until August 9, 2013, when it could submit the application together with responses to the Department's questions.

contains trade secrets and commercial information that is privileged and confidential, including information related to the construction and operation of the Bakken North pipeline and other commercial activities. This material, included in Attachment D to Plains' response to the Department's October 21 letter, is marked "CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE," and is exempt from disclosure under Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), and the Department's regulations implementing FOIA, 22 C.F.R. § 171.13 (2013).

Questions pertaining to confidential information may be submitted to:

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Please contact the undersigned with any other questions regarding this letter or the attachments hereto.

Respectfully submitted,

/s/ Anita R. Wilson  
Anita R. Wilson  
*Attorney for Plains Pipeline, L.P.*

Attachments

cc: John H. Kyles (Plains Pipeline, L.P.)